

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

_____	)	
DAMIEN KILGORE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 16-135 S
	)	
PROVIDENCE PLACE MALL,	)	
	)	
Defendant.	)	
_____	)	

**ORDER**

WILLIAM E. SMITH, Chief Judge.

On April 4, 2016, United States Magistrate Judge Patricia A. Sullivan issued a Report and Recommendation ("R&R") in the above-captioned matter. (ECF No. 3.) Magistrate Judge Sullivan recommends that the Court dismiss this case at screening based on lack of subject matter jurisdiction and the pleading's failure to state a claim; that the Court provide Plaintiff with 30 days from the adoption of the R&R to file an amended complaint; and if he fails to do so or if he files a new complaint that is still deficient, that the complaint be summarily dismissed without prejudice. See 28 U.S.C. § 1915(e)(2). The R&R further recommends that Plaintiff's In Forma Pauperis ("IFP") Motion (ECF No. 2) be denied without prejudice because it fails to provide coherent financial information sufficient to allow the Court to determine his eligibility; and that the Court permit him to refile it with

sufficient information to establish that he is unable to pay fees and costs within 30 days from the adoption of the R&R. If he files a new IFP application by that deadline, it will be reviewed and the Court will make a determination of eligibility; if he does not, the R&R recommends that his IFP motion be denied and that he be directed to pay the \$400 filing fee.

No objections to the R&R were filed, and the time for doing so has passed. Accordingly, the Court hereby accepts the R&R pursuant to 28 U.S.C. § 636(b)(1). The R&R is ADOPTED, Defendant's Complaint is DISMISSED WITHOUT PREJUDICE, and Defendant's IFP Motion is DENIED WITHOUT PREJUDICE. As set forth in the R&R, Plaintiff may file an amended complaint and new IFP Motion within 30 days of this Order.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "WESMITH", written over a horizontal line.

William E. Smith  
Chief Judge  
Date: June 1, 2016